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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,136	12/28/1999	THOMAS F. BERGERT		9633

7590 03/09/2005

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EXAMINER

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ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 03/09/2005

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/473,136
Filing Date: December 28, 1999
Appellant(s): BERGERT, THOMAS F.

MAILED

MAR 09 2005

GROUP 3600

Thomas F. Bergert
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/9/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-9, 11, and 13-23 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

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6,272,467	DURAND et al.	8-2001
5,963,913	HENNEUSE et al.	10-1999
6,016,478	ZHANG et al.	1-2000

Anonymous, information available from the web site of golfagent, 3/31/1997, 3 pages.

Romanesko, James, "Teemaster Speeds Booking Tee Times", Saint Paul Pioneer Press, Minn., 3/16/1998, 2 pages.

Kasavana, Michael L., "Making more hours in the day", Club Management, 10/1993, Vol. 72, No. 5, page 79.

Diaz, Christina Valdez, "Road Warriors plot their course early", USA Today, 9/23/1997, page E4:1.

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 9, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al., Pat. No. 5,596,636 in view of Durand et al., Pat. No. 6,272,467 (hereinafter Durand) and Romanesko, James, "Saint Paul Pioneer Press, Minn., Hot List Column" (hereinafter Teemaster) and Henneuse et al., Pat. No. 5,963,913.

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As to claim 1, Davies discloses a method of arranging a recreational outing for participants, implemented by a server application (see Fig. 1 and abstract), comprising the steps of:

- a) providing a database of information including reservation information, said reservation information including at least one selection option, said option including a time and a date for an activity from at least one recreational facility (i.e. golf course host computer database ... reservation date and time ...)(Fig.1 and col. 3, lines 33-39 and col. 4, lines 20-35);
- b) receiving a selection from a first one of said participants using a client application of a selection option (i.e. home computer ... user enters date ... user enters exact time ... the user programs specific desired reservation information to be transmitted)(col. 4, lines 3-11 and 20-40).

Davies does not explicitly disclose said database further including profile information for a plurality of participants, said profile information for each of said plurality of participants including at least one element

- c) receiving indication information including a selection from said first participant of at least one element corresponding to an element of said profile information of at least one additional participant;
- d) determining a subset of participants from said database of participants having said profile element; and
- e) communicating said selection to said subset of participants (i.e. links to the matches)(col. 8, lines 17-21.

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However, Davies does disclose communicating with participants (i.e. messages may be broadcast to all unit users or individual users)(col. 5, lines 33-35). Durand discloses said database further including profile information for a plurality of participants, said profile information for each of said plurality of participants including at least one element (i.e. profile database, preference subrecord)(col. 7, lines 46-51). In addition, Durand discloses receiving indication information including a selection from said first participant of at least one element corresponding to an element of said profile information of at least one additional participant (i.e. ... communicate traits he or she desires in a match .. Profile database (see Fig. 3B and col. 6, lines 25-45). Furthermore, Durand discloses determining a subset of participants from said database of participants having said profile element (col. 6, lines 35-40 and col. 18, lines 15-22). Finally, Durand discloses communicating said selection to said subset of participants (col. 19, lines 32-49). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said database further including profile information for a plurality of participants, said profile information for each of said plurality of participants including at least one element, c) receiving indication information including a selection from said first participant of at least one element corresponding to an element of said profile information of at least one additional participant, d) determining a subset of participants from said database of participants having said profile element; and e) communicating said selection to said subset of participants as disclosed by Durand within the Davies method for the motivation of matching traits with

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corresponding preferences that insures that only matches with the highest degree of compatibility are made (col. 2, lines 58-66).

Davies and Durand do not explicitly disclose reservation information for a plurality of recreational facilities receiving a non-specific request pertaining to a plurality of facilities for at least one selection option: and retrieving and transmitting, based on said received request, at least one selection option pertaining to at least one available reservation.

However, Teemaster discloses reservation information for a plurality of recreational facilities (i.e. booking tee times ... make reservations at various Twin cities golf courses ...)(see entire document). Teemaster also discloses receiving a non-specific request pertaining to a plurality of facilities for at least one selection option (i.e. use the Internet to find tee times ... a search engine helps golfers find courses based on difficulty, price ...)(entire document). Furthermore, Teemaster discloses retrieving and transmitting, based on said received request, at least one selection option pertaining to at least one available reservation (i.e. golfer can make phone or online reservations ...)(see entire document).). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include reservation information for a plurality of recreational facilities receiving a non-specific request pertaining to a plurality of facilities for at least one selection option and retrieving and transmitting, based on said received request, at least one selection option pertaining to at least one available reservation as disclosed by Teemaster within Davies and Durand for the motivation of providing a fast

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and speedy means for making tee time reservations (i.e. frustration with booking tee times ...)(first three paragraphs).

(i.e. reservation time and date ...)(col. 4, lines 20-30).

Davies, Durand, and Teemaster do not explicitly disclose

(h) receiving acceptance information from said at least one other participant using a client computer.

(i) after receiving said acceptance information in step h) receiving instructions from said first participant using a client computer to book a reservation for the time and date and facility connected with said selection option

However, Henneuse discloses receiving acceptance information from said at least one other participant using a client computer (col. 3, lines 59-67). In addition , Henneuse discloses after receiving said acceptance information in step h) receiving instructions from said first participant using a client computer to book a reservation for the time and date and facility connected with said selection option (i.e. venue scheduling)(col. 4, lines 31-40). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitations as disclosed by Henneuse within the Davies, Durand, and Teemaster method for the motivation of using accurate availability information to schedule an event (col. 1, lines 38-42 and col. 2, line 4-23).

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As to claim 2, Davies does not explicitly disclose the method of claim 1 wherein said element is an element taken from the group of elements consisting of : a hobby, an occupation, an age range, a gender, an income level.

However, Durand discloses said element is an element taken from the group of elements consisting of : a hobby, an occupation, an age range, a gender, an income level (i.e. maximum-age, minimum_age)(Fig. 3b). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include grouping players according to their profiles as disclosed by Durand within Davies for the motivation of matching traits with corresponding preferences that insures that only matches with the highest degree of compatibility are made (col. 2, lines 58-66).

As to claim 3, Davies, Durand, and Teemaster do not explicitly disclose the method of claim 1 wherein said indication information includes an electronic mail address of at least one other participant.

However, Henneuse discloses said indication information includes an electronic mail address of at least one other participant (col. 3, lines 15-18). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Henneuse within the Davies, Durand, and Teemaster method for the motivation stated for claim 1.

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As to claim 5, Davies, Durand, and Teemaster do not explicitly disclose the method of claim 1 wherein said step of communicating said selection includes providing information as to the identity of said first participant.

However, Henneuse discloses said step of communicating said selection includes providing information as to the identity of said first participant (see Fig. 4). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include step of communicating said selection includes providing information as to the identity of said first participant as disclosed by Henneuse within the Davies, Durand, and Teemaster method for the motivation stated for claim 1.

As to claim 9, Davies discloses the method of claim 1 wherein said activity is golf and said at least one recreational facility is a golf course facility (see abstract).

As to claim 11, Davies discloses the method of claim 1 including the further step of communicating said booked reservation to said facility connected with said selection option (i.e. home computer ... user enters date ... user enters exact time ... the user programs specific desired reservation information to be transmitted)(col. 4, lines 3-11 and 20-40).

As to claim 13, Davies discloses the method of claim 1 including the further step of communicating said booked reservation to said facility connected with said selection option (i.e. home computer ... user enters date ... user enters exact time ... the user

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programs specific desired reservation information to be transmitted)(col. 4, lines 3-11 and 20-40).

3. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies, Durand, Teemaster and Henneuse as applied to claim 1 above, and further in view of Zhang et al., Pat. No. 6,016,478 (hereinafter Zhang).

As to claim 14, Davies, Durand, Teemaster and Henneuse do not explicitly disclose the method of claim 1 including, between steps (b) and (c), the step of creating an event reply page responsive to said selection, said event reply page having available slots, and wherein step (d) includes sending an electronic mail message to said at least one other participant providing a link to the event reply page.

However, Zhang discloses the step of creating an event reply page responsive to said selection, said event reply page having available slots (i.e. HTML form as a scheduling invitation ... the accept and decline responses are mapped to HTML buttons)(col. 44, line 63 - col. 45, line 20). Furthermore, Zhang discloses includes sending an electronic mail message to said at least one other participant providing a link to the event reply page)(see Fig. 13 and col. 44, line 63 - col. 45, line 20). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include between steps (b) and (c), the step of creating an event reply page responsive to said selection, said event reply page having available slots, and wherein step (d)

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includes sending an electronic mail message to said at least one other participant providing a link to the event reply page as disclosed by Zhang within the Davies, Durand, and Henneuse method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

As to claim 16, Davies, Durand, and Teemaster do not explicitly disclose the method of claim 14 including the further step of receiving one or more reply confirmations from said at least one other participant using a client application.

However, Henneuse discloses receiving one or more reply confirmations from said at least one other participant using a client application (col. 4, lines 1-40). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Henneuse within the Davies, Durand, and Teemaster method for the motivation stated for claim 1.

4. Claims 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies in view of GolfAgent, Teemaster, Henneuse and Kasavana, Michael L, "Making more hours in the day"(hereinafter Kasavana).

As to claim 17, Davies discloses a computer system for arranging a golf outing for a plurality of participants (see abstract and Fig. 1), comprising:
a network to which a first one of said participants and at least one other participant have access and across which said provider and said participants can communicate

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information using respective client systems (i.e. home computer ... user enters date ... user enters exact time ... the user programs specific desired reservation information to be transmitted)(\see Fig. 1 and col. 4, lines 3-11 and 20-40); and a server application operable to communicate information across the network, said server application operable to:

provide a database of information including reservation information, said reservation information including at least one selection option, said option including a time and a date for an activity from at least one recreational facility (i.e. database 16)(Fig. 1 and col. 3, lines 37-44 and col. 4, lines 21-26);

receive a selection from said first participants using a client application of a selection option (i.e. sends first option to the system)(col. 4, lines 30-40).

Davies does not explicitly disclose

providing simultaneous access to said participants to reservation information related to a plurality of recreational facilities.

However, GolfAgent discloses providing simultaneous access to said participants to a database of reservation information related to a plurality of recreational facilities (Easy golf tee time bookings on the Internet, page 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include providing simultaneous access to said participants to reservation information related to a plurality of recreational facilities as disclosed by Golf Agent within Davies and Zhang for the motivation of enabling Internet users to book tee times at a wide range of golf courses (Easy golf tee time bookings on the Internet, page 1).

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Davies and GolfAgent do not explicitly disclose reservation information for a plurality of recreational facilities receiving a non-specific request pertaining to a plurality of facilities for at least one selection option: and

retrieving and transmitting, based on said received request, at least one selection option pertaining to at least one available reservation.

However, Teemaster discloses reservation information for a plurality of recreational facilities (i.e. booking tee times ... make reservations at various Twin cities golf courses ...)(see entire document). Teemaster also discloses receiving a non-specific request pertaining to a plurality of facilities for at least one selection option (i.e. use the Internet to find tee times ... a search engine helps golfers find courses based on difficulty, price ...)(entire document). Furthermore, Teemaster discloses retrieving and transmitting, based on said received request, at least one selection option pertaining to at least one available reservation (i.e. golfer can make phone or online reservations ...)(see entire document).). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include reservation information for a plurality of recreational facilities receiving a non-specific request pertaining to a plurality of facilities for at least one selection option and retrieving and transmitting, based on said received request, at least one selection option pertaining to at least one available reservation as disclosed by Teemaster within Davies and GolfAgent for the motivation of providing a fast and speedy means for making tee time reservations (i.e. frustration with booking tee times ...)(first three paragraphs).

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Davies, GolfAgent and Teemaster do not explicitly disclose

a number of openings available for one or more individuals to join said activity and

receive indication information from said first participant using a client computer, said indication information including information necessary to notify a number of individuals of said selection, said number of individuals greater than said number of available openings.

However, Henneuse discloses a number of openings available for one or more individuals to join said activity and receive indication information from said first participant using a client computer, said indication information including information necessary to notify a number of individuals of said selection, said number of individuals greater than said number of available openings (i.e. generate one or more potential schedules along with requested individuals ... matching participants to scheduling options and evaluating the different scheduling options ... notifies available participant ... notifies unavailable participant)(col. 4, lines 1-18 and 41-57). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Henneuse within the Davies, GolfAgent, and Teemaster method for the motivation stated for claim 1.

As to claim 22, GolfAgent, Davies and Teemaster do not explicitly disclose the system of claim 17 wherein said server is further operable to communicate said selection to said number of individuals.

However, Davies does disclose communicating with participants (i.e. messages may be broadcast to all unit users or individual users)(col. 5, lines 33-35). Moreover, Henneuse discloses communicate said selection to said number of individuals (col. 3, lines 46-58). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Henneuse within the GolfAgent, Davies and Teemaster method for the motivation stated for claim 1.

5. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies in view of Zhang, GolfAgent, Teemaster and Henneuse.

As to claim 18, Davies discloses a computer system for arranging a recreational outing for a plurality of participants (see Fig. 1 and abstract), comprising:
means for providing reservation information to a plurality of participants (i.e. database 16 ... sends confirmation information from the host computer for display to the user)(col. 4, lines 30-40);
means for a first participant to select a desired reservation (see Fig. 2).

Davies does not explicitly disclose
means for notifying at least one additional participant of said reservation.

However, Davies does disclose communicating with participants (i.e. messages may be broadcast to all unit users or individual users)(col. 5, lines 33-35). Zhang discloses means for notifying at least one additional participant of said reservation (i.e.

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sending to desired participants an initial meeting message)(col. 6, lines 16-40). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for notifying at least one additional participant at said reservation as disclosed by Zhang within the Davies method for the motivation of scheduling appointments with other members of a group (col. 1, line 66 - col. 2, line 5).

Davies and Zhang do not explicitly disclose

means for providing simultaneous access to and means to select a desired reservation from said reservation information for a plurality of recreational facilities.

However GolfAgent discloses means for providing simultaneous access to and means to select a desired reservation from said reservation information for a plurality of recreational facilities (Easy golf tee time bookings on the Internet, page 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for providing simultaneous access to and means to select a desired reservation from said reservation information for a plurality of recreational facilities as disclosed by Golf Agent within Davies and Zhang for the motivation of enabling Internet users to book tee times at a wide range of golf courses (Easy golf tee time bookings on the Internet, page 1).

Davies, Zhang and GolfAgent do not explicitly disclose

reservation information for a plurality of recreational facilities

means for receiving a non-specific request pertaining to a plurality of facilities for at least one selection option: and

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means for retrieving and transmitting, based on said received request, at least one selection option pertaining to at least one available reservation.

However, Teemaster discloses reservation information for a plurality of recreational facilities (i.e. booking tee times ... make reservations at various Twin cities golf courses ...)(see entire document). Teemaster also discloses receiving a non-specific request pertaining to a plurality of facilities for at least one selection option (i.e. use the Internet to find tee times ... a search engine helps golfers find courses based on difficulty, price ...)(entire document). Furthermore, Teemaster discloses retrieving and transmitting, based on said received request, at least one selection option pertaining to at least one available reservation (i.e. golfer can make phone or online reservations ...)(see entire document).). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include reservation information for a plurality of recreational facilities, means for receiving a non-specific request pertaining to a plurality of facilities for at least one selection option and means for retrieving and transmitting, based on said received request, at least one selection option pertaining to at least one available reservation as disclosed by Teemaster within Davies, Zhang and GolfAgent for the motivation of providing a fast and speedy means for making tee time reservations (i.e. frustration with booking tee times ...)(first three paragraphs).

Davies, Zhang, GolfAgent and Teemaster do not explicitly disclose

a number of openings available for one or more individuals to join said activity and

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receive indication information from said first participant using a client computer, said indication information including information necessary to notify a number of individuals of said selection, said number of individuals greater than said number of available openings.

However, Henneuse discloses a number of openings available for one or more individuals to join said activity and receive indication information from said first participant using a client computer, said indication information including information necessary to notify a number of individuals of said selection, said number of individuals greater than said number of available openings (i.e. generate one or more potential schedules along with requested individuals ... matching participants to scheduling options and evaluating the different scheduling options ... notifies available participant ... notifies unavailable participant)(col. 4, lines 1-18 and 41-57). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Henneuse within the Davies, Zhang, GolfAgent, and Teemaster method for the motivation stated for claim 1.

As to claim 19, Davies discloses the computer system of claim 18 further including means for said first participant to book said selected reservation (i.e. user enters reservation time and date ...)(col. 4, lines 20-30).

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6. Claim 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over GolfAgent in view of Davies, Teemaster and Henneuse.

As to claim 21, GolfAgent discloses a method of arranging a recreational outing for participants, comprising the steps of (i.e. Golf Club Bookings via the Internet:)(Golf Agent" Welcome Page, page 1)

a) providing a web site including reservation information for a plurality of recreational facilities, said site further including selection information, said selection information including a time and date for an activity of at least one of said recreational facilities (i.e. how to book)(Easy Golf Tee Time Bookings on the Internet, page 1);

b) providing a plurality of said participants with simultaneous access to said reservation information and said selection information facilities (Easy Golf Tee Time Bookings on the Internet, page 1);

c) upon receiving a request from one of said participants, retrieving and transmitting to said first participant selection information pertaining to at least one available reservation facilities (i.e. how to book)(Easy Golf Tee Time Bookings on the Internet, page 1);

d) receiving a selection from said participant from said selection information in c)facilities (i.e. how to book)(Easy Golf Tee Time Bookings on the Internet, page 1);

GolfAgent does not explicitly disclose

a database of reservation information for a recreational facility.

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However, Davies discloses a database of reservation information for a recreational facility (i.e. golf course host computer database ... reservation date and time ...)(Fig.1 and col. 3, lines 33-39 and col. 4, lines 20-35). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a database of reservation information for a recreational facility as disclosed by Davies within GolfAgent for the motivation of simultaneous access to reservation information (col. 2, lines 1-5 and col. 4, lines 3-11).

GolfAgent and Davies do not explicitly disclose
reservation information for a plurality of recreational facilities
receiving a non-specific request pertaining to a plurality of facilities for at least one selection option: and

retrieving and transmitting, based on said received request, at least one selection option pertaining to at least one available reservation.

However, Teemaster discloses reservation information for a plurality of recreational facilities (i.e. booking tee times ... make reservations at various Twin cities golf courses ...)(see entire document). Teemaster also discloses receiving a non-specific request pertaining to a plurality of facilities for at least one selection option (i.e. use the Internet to find tee times ... a search engine helps golfers find courses based on difficulty, price ...)(entire document). Furthermore, Teemaster discloses retrieving and transmitting, based on said received request, at least one selection option pertaining to at least one available reservation (i.e. golfer can make phone or online reservations ...)(see entire document).). It would have been obvious to one of ordinary skill in the art

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at the time of Applicant's invention to include reservation information for a plurality of recreational facilities receiving a non-specific request pertaining to a plurality of facilities for at least one selection option and retrieving and transmitting, based on said received request, at least one selection option pertaining to at least one available reservation as disclosed by Teemaster within GolfAgent and Davies for the motivation of providing a fast and speedy means for making tee time reservations (i.e. frustration with booking tee times ...)(first three paragraphs).

GolfAgent, Davies and Teemaster do not explicitly disclose

a number of openings available for one or more individuals to join said activity and

receive indication information from said first participant using a client computer, said indication information including information necessary to notify a number of individuals of said selection, said number of individuals greater than said number of available openings.

However, Henneuse discloses a number of openings available for one or more individuals to join said activity and receive indication information from said first participant using a client computer, said indication information including information necessary to notify a number of individuals of said selection, said number of individuals greater than said number of available openings (i.e. generate one or more potential schedules along with requested individuals ... matching participants to scheduling options and evaluating the different scheduling options ... notifies available participant ... notifies unavailable participant)(col. 4, lines 1-18 and 41-57). It would have been

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obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Henneuse within the GolfAgent, Davies and Teemaster method for the motivation stated for claim 1.

As to claim 23, GolfAgent, Davies, and Teemaster do not explicitly disclose

f) communicating said selection to said number of individuals.

However, Davies does disclose communicating with participants (i.e. messages may be broadcast to all unit users or individual users)(col. 5, lines 33-35). Moreover, Henneuse discloses communicate said selection to said number of individuals (col. 3, lines 46-58). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Henneuse within the GolfAgent, Davies and Teemaster method for the motivation stated for claim 1.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies, Durand, Teemaster and Henneuse as applied to claim 1 above, and further in view of Kasavana, Michael L, "Making more hours in the dāy"(hereinafter Kasavana).

As to claim 4, Davies discloses the method of claim 1 wherein said step of communicating said selection includes providing information as to the time and date of said selection (i.e. reservation time and date ...)(col. 4, lines 20-30).

Davies, Durand, and Teemaster do not explicitly disclose

communicating said selection includes providing information as to the facility location of said selection.

However, Kasavana discloses communicating said selection includes providing information as to the facility location of said selection (i.e. typically, the system prompts the member for their ... desired start time and course specification)(page 6). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include communicating said selection includes providing information as to the facility location of said selection as disclosed by Kasavana within the Davies, Durand, Teemaster and Henneuse combination for the motivation of optimizing golf course operations (page 6, sixth paragraph).

8. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies, Durand, Teemaster , and Henneuse as applied to claim 1 above, and further in view of Diaz, Christina Valdez, "Road Warriors plot their course early"(hereinafter Diaz).

As to claim 6, Davies and Durand do not explicitly disclose the method of claim 1 wherein said step of communicating said selection includes providing information as to the directions to the physical location of said recreational facility.

However, Diaz discloses said step of communicating said selection includes providing information as to the directions to the physical location of said recreational facility (i.e. area map)(page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said step of communicating said selection includes providing information as to the directions to the physical location of

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said recreational facility as disclosed by Diaz within the Davies, Durand, Teemaster, and Henneuse combination for the motivation of finding a golf course in an unfamiliar city (page 2, paragraphs 1 and 2).

As to claim 7, Davies, Durand, Teemaster, and Henneuse do not explicitly disclose the method of claim 1 wherein said database of reservation information is received from said at least one recreational facility using a client application and includes a pricing schedule.

However, Diaz discloses said database of reservation information is received from said at least one recreational facility using a client application and includes a pricing schedule (i.e. cost)(page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said database of reservation information is received from said at least one recreational facility using a client application and includes a pricing schedule as disclosed by Diaz within the Davies and Durand, TeeMaster and Henneuse combination for the motivation of finding a golf course in an unfamiliar city (page 2).

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies, Durand, Teemaster, Henneuse and Diaz as applied to claim 7 above, and further in view of the Examiner's use of Official Notice.

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As to claim 8, Davies, Durand and Diaz do not explicitly disclose the method of claim 7 wherein said pricing schedule includes prices which vary depending upon the hour of the reservation selection, and wherein said step of communicating said selection includes providing information as to the time and price of said selection, said price being determined by the associated time of the selection.

However, the Examiner takes official notice that it was well known in the reservation arts to vary prices of scheduled events according to whether the booked event was scheduled to occur during prime time (i.e. peak demand) or off demand. The purpose of varying the prices of the reserved event was to maximize the revenue stream generated by reservations over a period of time by increasing the price of the event when demand is at its greatest and people are willing to pay more for a reservation while lowering the price during off peak hours when the demand for the event is reduced. For example, theaters vary ticket prices to a movie according to the time of day that the movie is scheduled to be shown. Matinee tickets are lower priced tickets for those times the movie is shown when demand for the tickets is reduced, typically before 6 pm. Movie ticket prices for the same movie shown after matinee hours are higher since customers are more apt to attend movies in the evening for convenience sake even though ticket prices are higher. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said pricing schedule includes prices which vary depending upon the hour of the reservation selection, and wherein said step of communicating said selection includes providing information as to the time and price of said selection, said price being determined by the

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associated time of the selection within the Davies, Durand, Teemaster, Henneuse and Diaz combination for the motivation of maximizing the revenue stream generated by reservations over a period of time.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies, Durand, Teemaster and Henneuse as applied to claim 14 above, and further in view of Kasavana.

As to claim 15, Davies, Durand, Teemaster, and Henneuse do not explicitly disclose the method of claim 14 wherein said event reply page includes at most three available slots.

However, Kasavana discloses a golf scheduling system based on accepting reservations for foursomes thereby disclosing the requirement of the system to define a reservation that includes four members (page 6, paragraph 3). Furthermore, Kasavana discloses that a reservation can be entered by entering the names of the members of a group. Therefore, Kasavana discloses that for a valid reservation to be accepted, besides the first participant, at most three additional participants may be added to the reservation. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said event reply page includes at most three available slots as taught by Kasavana within the Davies, Durand, Teemaster and Henneuse combination for the motivation of optimizing golf course operations (page 6, sixth paragraph).

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11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies, Zhang, GolfAgent, Teemaster and Henneuse as applied to claim 18 above, and further in view of Kasavana.

As to claim 20, Davies, Zhang, GolfAgent, and Henneuse do not explicitly disclose the system of claim 18 wherein said means for confirming acceptance is limited to receiving at most three acceptances.

However, Kasavana discloses a golf scheduling system based on accepting reservations for foursomes thereby disclosing the requirement of the system to define a reservation that includes four members (page 6, paragraph 3). Furthermore, Kasavana discloses that a reservation can be entered by entering the names of the members of a group. Therefore, Kasavana discloses that for a valid reservation to be accepted, besides the first participant, at most three additional participants may be added to the reservation. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said means for confirming acceptance is limited to receiving at most three acceptances as taught by Kasavana within the Davies, Zhang, GolfAgent, and Teemaster combination for the motivation of optimizing golf course operations (page 6, sixth paragraph).

(11) Response to Argument

The Davies Reference

Appellant argues in the paragraph bridging pages 7 and 8 of the Appeal Brief that the Davies reference is directed to a system which accesses a single golf course's

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reservation system. Appellant further argues that in the Davies reference there is no teaching of an active selection by the user from available reservation options, there is no teaching of receiving a user request for available reservation information, transmitting the available reservation information to the user and subsequently receiving the user's selection from the available reservation information, therefore, the Davies reference teaches away from active user selection of available reservation times as claimed in the present application. The Examiner notes that the Davies reference was used in combination with other references in a 35 USC 103 rejection of claims 1-9, 11, and 13-23 and as such was not directed to all the claim limitations of claims 1-9, 11, and 13-23. The Davies reference was used for its disclosure with respect to certain recited limitations of the claimed invention. For example, in claim 1, Davies was used to disclose the limitations of a) providing a database of information including reservation information, said reservation information including at least one selection option, said option including a time and a date for an activity from at least one recreational facility; b) receiving a selection from a first one of said participants using a client application of a selection option (see above, grounds of rejection, paragraph 2.). The Examiner never used the Davies reference to disclose the features asserted by Appellant. Davies discloses a golf reservation system that is computer based and the computer system includes a database of reservation information including time and date for a golf facility. In addition, the system receives reservation requests from users and determines if the user request for specific date(s) and time(s) is available (see Fig. 1, database 16 and col. 4, lines 20-40). The Davies reference was used by the Examiner to address specific

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claimed limitations if claims 1-9, 11, and 13-23 as shown in the rejection of claims 1-9, 11, and 13-23 as seen in the previous section above.

The GolfAgent reference

Appellant argues in page 8 of the Appeal Brief that the GolfAgent reference describes the selection of a specific golf course and determines what reservations are available at that course. Appellant further argues that the reference does not mention, suggest or teach submitting a non-facility request for reservation times. The Examiner notes that the GolfAgent reference was used in combination with other references in a 35 USC 103 rejection of claims 17-23 and as such was not directed to all the claim limitations of claims 17-23. The Examiner further notes that the GolfAgent reference was not used to disclose submitting a non-facility request for reservation times. The GolfAgent reference was used for its disclosure with respect to certain recited limitations of the claimed invention. The Examiner notes that GolfAgent does disclose request for reservation times (see page 1). On the GolfAgent Welcome page, the page allows a search for a specific club by name (the Examiner notes that "All Clubs" is shown in this box suggesting that the system can search for all clubs). The search function on this page provides another search choice that allows the user to search for clubs by geographic region which suggests that you might not know which specific clubs are found in the geographic region of interest so this type of search is non-facility specific. This feature is explained in more detail on page 1 of the Easy Golf Tee Time Bookings on the Internet Page under the headline "How to Book". Therefore, GolfAgent discloses a system that provides simultaneous access to reservation information for a plurality of reservation

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facilities. GolfAgent also discloses providing available reservation information for at least one selected facility and making a selection for at least one selected facility.

The Examiner admitted the present claims overcame the 35 USC 103 rejection maintained prior to the final office action and used newly cited Henneuse reference in combination with other references against the present claims

The Examiner did not admit the present claims overcame the 35 USC 103 rejection maintained prior to the final office action. Appellant amended the claims (see Amendment dated 2/188/2004) to overcome the rejection of claims 35 USC 103.

Appellant's amendment of the claims necessitated the withdrawal of the rejection of claims 1-23 based on 35 USC 103. The Examiner presented new grounds of rejection based on 35 USC 103 including the newly cited Henneuse reference against the present claims. Since the new grounds of rejection were necessitated by Appellant's amendment of the claims, the grounds of rejection were a final rejection of the present claims.

The Durand, Zhang and TeeMaster references

The Examiner notes that Appellant did not address all references that were used in the rejection of independent claims 1, 17, 18, and 21. The Durand reference was used as one of the references to reject independent claim 1. Durand is directed to an automated matching system that matches profiles with desired traits and can be used to find compatible matches in a variety of situations such as matching job hunters with

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employment opportunities. The reference is a generic matching system that provides matches between a set of predetermined traits and a set of preferences. The Zhang reference discloses a group scheduler that sends invitations to members of a group for a scheduled event (i.e. meeting) and receives confirmation from those members who are able to attend. The reference was used as one of the references to reject independent claim 18. Finally, the TeeMaster reference describes a web site to find tee times and book reservations at a plurality of golf courses (page 1). TeeMaster also discloses submitting and receiving non-specific request to a plurality of facilities for at least one selection option (i.e. search engine helps golfers find courses based on difficulty, price, etc.)(page 1). The Teemaster reference was used in combination with other references to reject independent claims 1, 17, 18, and 21.

The Henneuse reference

Appellant argues in the paragraph bridging pages 9-10 of the Appeal Brief that the Henneuse reference only contemplates the venue for an event after determining participant availability and obtaining selection of a time and date by the event scheduler. Furthermore, Appellant argues on page 10 that in the claimed invention, additional participants are allowed to be notified of an available reservation which has been selected by a user after receiving availability information from a database holding reservation information and the user does not have to return to the participants or review previously collected participant availability information. The Examiner disagrees with Appellant's description of the claimed invention. The Examiner refers to Appellant's

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specification, pages 9-10 which describe two embodiments of the claimed invention for booking reservations by a user when contemplating notifying other potential participants. In the paragraph bridging pages 9 and 10 of the specification, the first scenario describes a user (i.e. first participant) reserving the reservation (i.e. selection) before notifying his or her partners. The specification describes the risk associated with this booking scenario, namely, that the first participant may have to cancel the reservation if no additional participants join this reservation. The specification then describes a second scenario where a user (i.e. first participant) reserving the reservation (i.e. selection) after notifying and waiting for replies from his or her partners. The specification describes the risk associated with this booking scenario, namely, the reservation (i.e. selection) may be reserved by another user before being booked by the first participant. The specification discloses an embodiment that notifies other participants of several reservation options and waits for replies before booking a reservation. Therefore, the specification describes a scenario where the user contacts other participants for an available reservation but by the time the replies are received, the available reservation may no longer be available. The claimed invention with respect to claims 1, 17, 18, and 21, Appellant's claim limitation of "at least one selection option for at least one available reservation" and booking a reservation connected with the selection option reads on the second scenario. It is possible that Appellant meant to claim the embodiment of providing multiple reservation options to participants. Further, even if it is determined that multiple options are provided to other participants, all the options might be booked by other users before the user receives replies from the other

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participants. In other words, Appellant system does not guarantee that the available reservation(s) presented to other users are still available when the user is ready to book the reservation. In addition, the Examiner relied on the TeeMaster reference, not the Henneuse to disclose available reservation information as claimed (see final rejection in the previous section above).

Furthermore, Appellant argues that the Henneuse reference does not disclose the limitation of "a number of openings available for one or more individuals to join said activity and receiving indication information necessary to notify a number of individuals of the user's selection". The Examiner notes that Appellant is paraphrasing the claimed limitations of claims 17, 18 and 21 but will address Appellant's arguments nonetheless. Henneuse indeed does disclose "a number of openings available for one or more individuals to join said activity" (see Fig. 5 and col. 4, lines 1-17). Here Henneuse discloses scheduling an event subject to participant availability (col. 3, lines 9-26). Henneuse further discloses scheduling an event for requested participants and enabling requested participants to indicate which scheduling options they are available for (col. 3, lines 46-67). Furthermore, Henneuse discloses determining if the scheduler has submitted event confirmation and if not, the scheduler continues to receive reply information (col. 4, lines 19-30). Such a system discloses at least one or more openings for an event. Furthermore, in Henneuse, one event confirmation is submitted, a message is sent to available and unavailable participants (col. 4, lines 41-50). In other words, less than all requested participants have accepted the reservation. In addition,

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Henneuse discloses "receiving indication information necessary to notify a number of individuals of the user's selection".

Appellant also asserts that the Examiner did not provide motivation for combining the Henneuse reference with the other references used to reject claims 17, 18, and 21. However, the Examiner specifically cited motivation to combine Henneuse with the other cited references directly from the Henneuse reference, namely, to use accurate availability (i.e. that invited or requested participants are available to attend before scheduling the event) information to schedule the event (col. 1 lines 38-42 and col. 2, lines 4-23). The Examiner further notes that final rejection stated specifically that the motivation to combine Henneuse with the other references in claims 17, 18, and 21 was the same as the motivation stated for combining Henneuse with the references in claim 1.

Finally, the Examiner applied the combination of references with respect to all the claim limitations of claims 1-9, 11, and 13-23 and claimed invention in general. Motivation to combine the references was cited directly from the references.

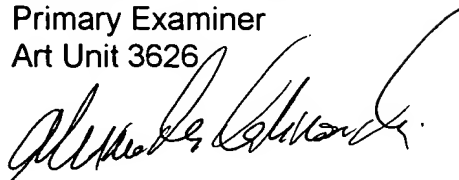
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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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March 6, 2005

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